

**FILED**

OCT 30 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

United States of America,

NO. CR 01-20029 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE: SAN  
JOSE MERCURY NEWS' MOTION TO  
UNSEAL CASE**

v.

Roomy Kahn,

Defendant.

Presently before the Court is the San Jose Mercury News' Motion to Unseal the above entitled case.<sup>1</sup> (Docket Item No. 33.)

The Court ORDERS the government to show cause as to why this case should not be unsealed. On or before **November 9, 2009**, the government shall file its Opposition to the Motion, if any. On or before **November 13, 2009**, the movant shall file its Response, if any.

The Court will conduct a hearing on the Motion on **November 23, 2009 at 1:30 p.m.**

Dated: October 30, 2009

  
JAMES WARE  
United States District Judge

<sup>1</sup> The Court attaches the Motion for the convenience of the government.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 San Jose Mercury News  
3 750 Ridder Park Drive  
4 San Jose, CA 95190

5 U.S. Attorney's Office,  
6 Northern District of California  
7 150 Almaden Blvd. Suite 900  
8 San Jose, CA 95113

9 **Dated: October 30, 2009**

**Richard W. Wieking, Clerk**

10 **By: /s/ JW Chambers**  
11 **Elizabeth Garcia**  
12 **Courtroom Deputy**

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**United States District Court**  
For the Northern District of California

750 RIDDER PARK DRIVE, SAN JOSE, CALIFORNIA 95190 (408) 920-5000



**ORIGINAL FILED**

OCT 23 2009

RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

U.S. District Judge James Ware  
Northern District of California  
San Jose division

October 23, 2009

Hon. Judge Ware,

The Mercury News moves for the unsealing of the following case, which has become pertinent for reporting a currently developing news story:

U.S.A. v. Roomy Kahn,  
Filed Feb 28 2001  
Case number 01-cr-20029

The file is important for the reporting of a current federal criminal investigation of insider trading by hedge funds, which is a subject of ongoing stories in the Mercury News. For that reason, we believe there is a public interest in unsealing material from the case. Please review the files so that only documents that need to remain sealed for good reason, do so.

Thank you,

  
Stephen Trousdale, business editor

  
Peter Carey, reporter